IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

THURSDAY, THE 1ST FEBRUARY 2007 / 12TH MAGHA 1928

WP(C).No. 26777 of 2006(K)

PETITIONER:

S. LATHA KUMARI, W/O. SREEKANDAN NAIR,
BABY MANDIRAM, DECENT JUNCTION P.O.,
KOLLAM.

BY ADV. SRI.C.RAJENDRAN

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY
ITS CHIEF SECRETARY, SECRETARIAT,
THIRUVANANTHAPURAM.

2. KERALA STATE FINANCIAL ENTERPRISES LTD.,
BHADRATHA, MUSEUM ROAD, THRISSUR REPRESENTED
BY ITS GENERAL MANAGER.

3. THE BRANCH MANAGER, KERALA STATE
FINANCIAL ENTERPRISES LTD.,
PALLIMUKKU BRANCH, KOLLAM.

4. THE ACCOUNTS OFFICER,
DISTRICT POLICE OFFICE, KOLLAM.

5. G. RAJENDRAN PILLAI @ RAJAN,
RAJEE BHAVAN, HOUSE NO.217, MANGALATHU NAGAR,
PUNTHALATHAZHAM P.O., KOLLAM.

6. SHANMUGHAM, ANASWARA,
DECENT JUNCTION, KOLLAM.

7. BHADARUDEEN KUTTY, PLAVILA VEEDU,
CHENTHAPUR, DECENT JUNCTION, KOLLAM.

BY ADV. SRI.SHIRAZ ABDULLA -- R2 AND R3
ADV. SRI.N.DHARMADAN (SR.) -- R6
SMT. D.P.RENU
ADV.SRI.RANJITH XAVIER
GOVERNMENT PLEADER SMT. PUSHPALATHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO: 26777/2006 K

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. COPY OF THE LETTER DT. 27/10/2004.

EXT.P2. COPY OF THE RECEIPT DT. 1/11/2004.

EXT.P3A. COPY OF THE RECEIPT SHOWING THE PAYMENT DT. 27/11/2004.

EXT.P3B COPY OF THE RECEIPT SHOWING THE PAYMENT DT. 3/1/2005.

EXT.P3C. COPY OF THE RECEIPT SHOWING THE PAYMENT DT. 1/2/2005.

EXT.P3D. COPY OF THE RECEIPT SHOWING THE PAYMENT DT. 2/5/05.

EXT.P3E. COPY OF THE RECEIPT SHOWING THE PAYMENT DT. 6/6/05.

EXT.P4. COPY OF THE CERTIFICATE DT. 5/10/2006.

EXT.P5. COPY OF THE JUDGMENT DT. 6/08/2004.

[True Copy]

Tga

K.BALAKRISHNAN NAIR, J.

WP(C).No.26777 of 2006-K

Dated this the Ist day of February, 2007.

JUDGMENT

The petitioner is a surety for the loan availed of by the 5th respondent from the second respondent. According to her, the principal loanee as well as other sureties who are respondents 6 and 7 are spared and recovery is made from her only. Hence, this writ petition is filed seeking appropriate reliefs.

2. As long as the petitioner is a surety, she can not deter when recovery is made from her salary on behalf of the principal loanee. But, respondents 2 and 3 shall take steps to recover the amounts from respondents 6 and 7 also. Needless to say, the sureties will be free to proceed against the principal loanee, to recover the amount they have to pay on behalf of him.

The writ petition is disposed of as above.

K.BALAKRISHNAN NAIR,
JUDGE.

MS